

MAY 26 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

**HAYAT ABBOD; FRANK ABBOD;
IBRAHIM ABBOD; SAMIR
ABBOD; NADIA ABBOD ZEIDAN,**

Plaintiffs - Appellants,

v.

**UNION PACIFIC RAILROAD
COMPANY; AMTRAK,**

Defendants - Appellees.

No. 04-16420

D.C. No. CV-02-04140-VRW

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Vaughn R. Walker, District Judge, Presiding

Argued and Submitted May 19, 2006
San Francisco, California

Before: **B. FLETCHER, KOZINSKI and FISHER**, Circuit Judges.

Because the district court correctly determined that plaintiffs' negligence claims against Union Pacific Railroad Company are without merit under Rowland

* This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by Ninth Cir. R. 36-3.

v. Christian, 443 P.2d 561 (Cal. 1968), and because the district court correctly determined that plaintiffs' negligence claims against Amtrak are completely preempted, see CSX Transp., Inc. v. Easterwood, 507 U.S. 658, 675 (1993), the district court's thorough order granting summary judgment to defendants is **AFFIRMED.**

Judge Kozinski would affirm for precisely the reasons set forth in the district court's entirely correct order.